

REMARKS

The Applicants have reviewed and considered the current Office Action and any reference(s) cited therein. Claim 29 is herein amended; no claims are herein canceled; and no claims are herein added. As a result, Claims 1-16 and 18-31 are pending in this application. Claim 29 has been herein amended to correct a grammatical error. Specifically, the word “and” has been added between the third and fourth element of the claim.

The Applicants thank the Examiner for the courtesy of a telephone interview on March 18, 2008. During the telephone interview, the Examiner explained that the Response filed on December 11, 2007 (the “Response”) was sufficiently responsive to the rejection in the Office Action of September 11, 2007 as the Response applied to Claims 1-16 and 18-28. However, the Examiner explained that the Response was not fully-responsive in that the Response did not present discussion or argument of how the newly added Claims 29-31 were patentable over the cited art. The Applicants contend that Claims 29-31 are patentable over U.S. Patent Publication No. 2003/0233420 issued to Stark et al. (“Stark”) in view of U.S. Patent No. 6,507,866 issued to Barchi (“Barchi”) for at least the same reasons that Claims 1-16 and Claims 18-28 are patentable over the combination of Stark and Barchi.

The present claims require, among other limitations, detecting an outbound message from an originator computer system and verifying an authenticity of an originator identity associated with the outbound messages. Thus, enforcement mechanisms of the present invention are applied to originator identities, not originator addresses or fields in a message header (as is done in Barchi). The originator identity, as explained in the specification, identifies the sender of messages from information obtained when the sender opens a connection from an originator computer system. The originator identity may be an account name, for example. The originator identity is not the same as the originator address because a new IP address may be assigned to the originator computer system each time the originator identity opens a connection. Additionally, the originator identity is not necessarily found in a field in a message header. In fact, the present invention addresses the situation when a field (e.g., the

FROM field of a message header) is changed by a sender after a connection is opened. Accordingly, the present invention can apply the same message count and message limit when applying the enforcement mechanism against messages having different addresses (i.e., because the messages came through two different connections by the same originator identity) or against messages having different information in the FROM fields of the messages (i.e., because the originator identity changed the information in the FROM field of one or more messages).

Stark does not address the problem of spamming at all. If anything, Stark teaches away from the present invention because Stark provides a sender of a message to have more control over how the message is processed. See, for example, Paragraph 14. The text cited by the Examiner in at least one previous Office Action (i.e., Paragraph 48) indicates that an address may be authenticated with an SMTP email account, for example. However, Stark does not teach or suggest an enforcement mechanism for spamming because Stark does not teach or suggest the spamming problem at all. The present invention, on the other hand, uses an enforcement mechanism involving message counts and message limits to restrict senders so as to reduce the amount of spam that can be sent from a sender's originator identity.

Barchi teaches an enforcement mechanism, but Barchi does not teach or suggest a mechanism for applying the enforcement mechanism to the originator identity. That is, Barchi does not address the problem of spoofing at all and does not teach or suggest that any solution to spoofing is needed. Instead, Barchi teaches away by teaching the reader to do exactly what should not be done to avoid spoofing. That is, Barchi, in text cited by the Examiner (i.e., Column 8, lines 1-8), teaches that a message header field contains information identifying the originator of a received email. Thus, Barchi teaches a reliance on field information that the originator may have intentionally falsified.

Additionally, Stark and Barchi are not even properly combinable. First, Barchi teaches away from the present invention. Barchi teaches identifying "undesired e-mail messages by receiving e-mail messages, storing fields including at least one field from the header of each received e-mail message and analyzing the stored fields for a least

one pattern indicative of undesired e-mail messages.” *Barchi* at col. 4, lines 58-67. Barchi teaches that received emails contain headers that are created when “a sender-SMTP establishes a two-way transmission channel with a receiver-SMTP.” *Id.* at col. 1, line 26 to col. 2, line 23. Barchi teaches methods that extract information from headers in incoming e-mail messages (i.e., received e-mail messages). See, for e.g., *Id.* at col. 6, line 7-8 (“For example, fields from the 821 header and/or the 822 header may be extracted in the Hunt Mode.”). Accordingly, Barchi teaches operating on received e-mails only after a two-way transmission channel with a receiver-SMTP is established and the headers having the extractable information are created.

The present invention, on the other hand, operates on outbound messages. The present invention, as a whole, has the benefit of not having to open up two-way transmissions to those recipients that exceed a message limit associated with the originator identity. Transmission only occurs to those recipients that do not exceed the message limit.

Second, changing Barchi to operate on the sending side would destroy some of the purpose and functionality of Barchi. Barchi teaches protecting “the receiving e-mail system not only against malicious users, but also against such events as routing accidents.” *Id.* at col. 5, line 64 to col. 6, line 3. Barchi can only protect against routing accidents if the mechanism is employed at the receiving end, after emails have been routed (i.e., transmitted). The present invention, although providing benefits absent in Barchi, does not provide protection against routing accidents. This is because the present invention operates at the sending end, before emails are transmitted or routed. The present invention can reduce the number of emails routed by checking message limits associated with an originator identity and only routing those messages that are under the limit. However, once an email is transmitted in accordance with the present invention, any routing accidents can only be dealt with at the receiving end.

Attempting to operate the methods in Barchi at the sending end would eliminate the ability of Barchi to protect against routing accidents, effectively destroying at least some of the purpose of Barchi. One of ordinary skill in the art at the time of the present

invention would have no motivation to combine Barchi with any art (e.g., Stark) if the resulting combination would destroy some or all of the benefits of Barchi.

Barchi also teaches detecting large numbers of e-mail messages sent to a single recipient. *Id.* at col. 7, lines 14-16 (“For example, for a list maintained for purposes of identifying undesired use in the form of many originators sending e-mail messages to a single recipient.”). See also, *Id.* FIG. 6 and accompanying text (“The logic shown in FIG. 6 checks for whether the number of e-mail messages to a single recipient has exceeded predetermined threshold.”). If Barchi is to be capable of counting all originators sending e-mail to a particular recipient, then Barchi must be operating at the recipient. If Barchi were moved to the sending side, then Barchi would only see messages intended to be sent to the particular recipient that originated at the sending-side server. Since it is well known in the art that there exist many sending-side email servers, Barchi, operating on a sending-side server, would only see a small fraction of the e-mails sent to the particular recipient, again defeating one of the purposes of Barchi.

-21-

Conclusion

Applicants contend that it would not have been obvious to one of ordinary skill in the art at the time of the present invention to combine Barchi with Stark as suggested by the Examiner. Moreover, the combination of Stark and Barchi, even if properly combinable does not render the present claims obvious. The Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. If the Examiner believes that a telephone conversation with the Applicants' representative would facilitate prosecution of this application in any way, the Examiner is cordially invited to telephone the undersigned at (508) 616-9660.

Respectfully submitted,

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